

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HERBERT FEINBERG,

Plaintiff,

-v-

NATHANIEL F. LAND, SANGITA SHAH, SOUTH  
DALE MABRY SELF-STORAGE, and CORPORATION:  
SERVICE COMPANY,

Defendants.  
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19-CV-3410 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On December 17, 2019, Defendant Sangita Shah filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* ECF No. 33. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Because Plaintiff is proceeding *pro se*, however, the Court will give Plaintiff additional time to amend the complaint.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **January 15, 2020**. If Plaintiff believes that the pleading of additional facts will cure deficiencies identified in the motion to dismiss, Plaintiff should include those facts in the amended complaint. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, he need not respond to the pending motion to strike, which will then be denied as moot. Further, if Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant Sangita Shah shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that she relies on the previously filed motion to dismiss. If Defendant Sangita Shah files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant Sangita Shah files a new


motion to dismiss, any opposition shall be filed within thirty days, and any reply shall be filed within fourteen days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss **and to the pending motion to strike**, in the form of a consolidated memorandum of law, by **January 15, 2020**. Defendant's reply in support of both motions, if any, shall be filed, also in the form of a consolidated memorandum of law, by **January 29, 2020**.

In light of the foregoing, the briefing schedule previously adopted for Defendant Sangita Shah's Motion to Strike, *see* ECF No. 30, is no longer in effect.

SO ORDERED.

Dated: December 18, 2019  
New York, New York

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JESSE M. FURMAN  
United States District Judge